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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,991	10/13/2005	Yoshiaki Sato	2660 0010C (SUZ0022-US)	5832
92270	7590	10/12/2010	EXAMINER	
Edell, Shapiro & Finnian LLC 1901 Research Blvd Suite 400 Rockville, MD 20850				BACHMAN, LINDSEY MICHELE
ART UNIT		PAPER NUMBER		
3734		PAPER		
MAIL DATE		DELIVERY MODE		
10/12/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/552,991	SATO, YOSHIAKI
	<b>Examiner</b> LINDSEY BACHMAN	Art Unit 3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 September 2010.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,5,8 and 9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,5,8 and 9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/IDS/68)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

This Office Action is in response to Applicant's amendment filed 9 September 2010.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Just et al. (US Patent 6,988,992) in view of Newton (US Patent 2,332,488) in view of Kawasaki et al. (US Patent 5,433,724).**

Just'992 teaches a device with a hollow band (25, 30) having a tube (25). The band is stretchable in a lengthwise direction (at 30; column 6, lines 48-67). Just'992 also teaches fastening means (26) for use in keeping the tight fitting band in a loop. Pressure is produced in the band by introducing air into the tube (column 6, lines 35-47).

Just'992 does not teach the use of wire-like pieces located on the inner surface of the outer segment of the band oriented perpendicular to the lengthwise direction of the band.

Newton'488 teaches a similar device that contains wire-like pieces designed to limit the direction towards which said tube is allowed to inflate as said tube is filled with air, to against the muscles as determined with said tight fitting band being rest on the muscles

(column 2, lines 5-8, 46-48). The wire-like pieces are placed in a direction perpendicular to the lengthwise direction of the band (Figure 1 or 2, for example). The wire-like pieces are located on the inner surface of the outer segment of the band opposite to the muscles and just outside the tube (column 1, line 45 to column 2, line 14). Newton does not attach the wire-like pieces with a stretchable seam tape, but instead teaches that the wire-like pieces are stitched into place on the outer segment of said tight fitting band (column 2, lines 30-38). Newton'488 teaches the advantage of the wire-like pieces is to ensure that the band remains spread out over a length adequate to get a correct blood pressure reading (column 2, lines 1-8).

Kawasaki et al. disclose a tight fitting band wherein reinforcing member (13) is attached to the tight fitting band by either two surface tape or sewing (column 9, lines 35-45). It would have been obvious to one of ordinary skill in the art to alternatively attach the wire-like reinforcement pieces of Newton with tape rather than stitching since taping and sewing the reinforcement means to the band are equivalent as taught by Kawasaki. Substitution of one known element for another element providing the same function to yield predictable results would have been obvious to one of ordinary skill in the art at the time of the invention.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yavnai (US Patent Application 2003/0176825).**

Yavnai'825 discloses a device that contains a hollow band (100) having a tube (comprised of 102, 104) that is stretchable in the lengthwise direction (paragraph [0087], [0128], [0129]). The device further contains fastening means (122) to keep the band in a loop having a desired size. Yavnai'825 discloses that the device can have a higher

stretching rate on one side of the device and a lower stretching rate on the other side of the device (paragraph [0128], [0129]). The band is inflatable so that it inflates more in one direction than in another direction as the tube is filled with air (paragraph [0090], [0128], [0130]). Yavnai'825 teaches that the seams may be bonded via various methods [0087], [0088], [0089]) but does not specifically disclose the use of a seam tape. However, the use of tape for bonding is well known within the art and it would be obvious to use stretchable seam tape rather than adhesive or heat and pressure bonding since all would result in the same result of producing an airtight seal on the hollow tube. Further, it would be obvious that the seam would have a stretching rate lower than at least part of the tube since the tape would be in contact with two parts of the tube having different stretching rates.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Just'992 in view of Newton'488 in view of Kawasaki'724, as applied to claim 1 above, further in view of Nagelman (US 1,288,130).**

Newton'488 in view of Kawasaki'724 discloses the claimed invention except for an air limiting means that delimits the portion of said tube into which air is allowed to enter when attached to said tight fitting band at a certain position along the length thereof.

Nagelman discloses a clamp (15, 17) that delimits the portion of a tube into which air is allowed to enter when attached to a tight fitting band (Fig. 1). It would have been obvious to one of ordinary skill in the art to provide a clamp or "air limiting means", as taught by Nagelman, in the device of Newton in order to prevent air from entering the tube until the desired time.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yavnai'825, as applied to claim 5 above, further in view of Nagelman'130.**

Eaton discloses the claimed invention except for an air limiting means that delimits the portion of said tube into which air is allowed to enter when attached to said tight fitting band at a certain position along the length thereof.

Nagelman discloses a clamp (15, 17) that delimits the portion of a tube into which air is allowed to enter when attached to a tight fitting band (Fig. 1). It would have been obvious to one of ordinary skill in the art to provide a clamp or "air limiting means", as taught by Nagelman, in the device of Eaton in order to prevent air from entering the tube until the desired time.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSEY BACHMAN whose telephone number is (571)272-

6208. The examiner can normally be reached on Monday to Thursday 7:30 am to 5 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. B./  
Examiner, Art Unit 3734

/TODD E. MANAHAN/  
Supervisory Patent Examiner, Art Unit 3734